

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HECTOR GARCIA, and ROSEANN MORRSION	:	
Individually and as Co-Administrators of the	:	Civil Action No. 2:24-cv-01949
Estate of SAHMYA GARCIA, Deceased	:	
	:	
v.	:	
	:	
POLYMER 80 INC.	:	
and	:	
MARCUS BURNLEY	:	

ORDER

AND NOW, on this _____ day of _____, 2024, and upon consideration of Plaintiffs' Motion to Enforce and Amend the Court's Order of October 1, 2024, ECF No. 18, and any response thereto, it is hereby **ORDERED** that Plaintiffs' Motion is **GRANTED**, and that Plaintiff may collect the sum of \$4,150.00 in attorney's fees and costs from Defendant, Polymer80 Inc., and Goldstein Law Partners LLC, jointly and severally.

BY THE COURT:

CHIEF JUDGE MITCHELL S. GOLDBERG

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HECTOR GARCIA, and ROSEANN MORRSION	:	
Individually and as Co-Administrators of the	:	Civil Action No. 2:24-cv-01949
Estate of SAHMYA GARCIA, Deceased	:	
	:	
v.	:	
	:	
POLYMER 80 INC.	:	
<i>and</i>	:	
MARCUS BURNLEY	:	

**PLAINTIFFS' MOTION TO ENFORCE AND AMEND THE COURT'S ORDER OF
OCTOBER 1, 2024, ECF. NO. 18**

Plaintiffs, Hector Garcia and Roseann Morrison, Individually and as Co-Administrators of the Estate of Sahmya Heaven Garcia, Deceased (collectively, “Plaintiffs”), by and through their undersigned counsel, hereby respectfully submit Plaintiffs’ Motion to Enforce and Amend the Court’s Order of October 1, 2024, *ECF No. 18*, and avers as follows:

1. On July 10, 2024, Plaintiffs filed a “Combined Motion to Remand for Improper Removal and Motion for Sanctions Arising from the Second Removal of this Matter to State Court,” which asked for the Court to remand this action to state court (for the second time) and to Order for Plaintiffs to be compensated pursuant to 28 USCS § 1447(c) for attorney’s fees and costs connected with the serial and frivolous removals of this case to federal court. See ECF No. 12.
2. On August 12, 2024, the Court entered an Order that granted Plaintiffs’ Motion, remanded this case to state court, and stated that “Plaintiffs shall submit a bill of

costs associated with Polymer80’s second removal, along with a declaration and supporting documentation.” *ECF No. 15.*

3. On August 26, 2024, Plaintiffs filed a Bill of Costs that showed that Plaintiffs incurred the sum of \$4,150.00 in attorney’s fees and costs due to the second frivolous removal of this case. *ECF No. 16.*

4. On August 30, 2024, Goldstein Law Partners LLC (“GLP”) filed a Motion to Withdraw as counsel for Defendant, Polymer80 Inc. (“Defendant Polymer80”). *ECF No. 17.*

5. However, GLP has represented Defendant Polymer80 at every stage of this litigation, including *vis-à-vis* both frivolous removals.

6. On October 1, 2024, the Court entered an Order stating that “upon consideration of Plaintiffs’ Bill of Costs (ECF No. 16), and Defendant having filed no objections or response in opposition thereto, Defendant is hereby ORDERED to pay the sum of \$4,150.00 in attorneys’ fees to Plaintiffs and their attorney, Keith West, Esquire, within thirty (30) days of the date of this Order.” *ECF No. 18.*

7. The amount owed pursuant to the Order has not been paid, even though more than 30 days have passed.

8. Additionally, the Order is arguably ambiguous.

9. First, the Order says that the amount is owed by “Defendant,” but this case has numerous defendants.

10. Second, the Order does not specify whether the amount is owed jointly and severally by GLP, even though it was GLP’s conduct that directly caused Plaintiffs to unnecessarily incur the subject fees and costs.

11. In fact, GLP has taken the position that it is not required to pay the subject fees and costs and has claimed that Defendant Polymer80 is verdict proof.

12. For the foregoing reasons, Plaintiffs request for the Court to amend the subject Order so as to clearly state who must pay the subject fees and costs, especially because this now appears to be a matter that may require a separate collections action.

WHEREFORE, Plaintiffs respectfully request for the Court to grant Plaintiffs' instant Motion, in the form of the attached proposed Order.

Respectfully submitted,

VICTIMS' RECOVERY LAW CENTER

/s/ Keith West

KEITH WEST, ESQUIRE

Attorney for the Plaintiffs

The North American Building

121 South Broad Street, 18th Floor

Philadelphia, Pennsylvania 19107

215-546-1433 – Telephone

keith@victimrecoverylaw.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HECTOR GARCIA, and ROSEANN MORRSION	:	
Individually and as Co-Administrators of the	:	Civil Action No. 2:24-cv-01949
Estate of SAHMYA GARCIA, Deceased	:	
	:	
v.	:	
	:	
POLYMER 80 INC.	:	
and	:	
MARCUS BURNNEY	:	

CERTIFICATE OF SERVICE

I, Keith West, Esquire, on this date, by electronic filing and/or first-class mail, caused a true and correct copy of Plaintiff's Motion for Sanctions to be served on the following:

Via Electronic Filing:

Shawn M. Rodgers, Esq.
David R. Osborne, Esq.
Goldstein Law Partners, LLC
Attorneys for Defendant, Polymer 80 Inc.

Via First Class Mail:

Defendant, Marcus Burney, Inmate # QP8724
c/o SCI FOREST
P.O. Box 307
286 Woodland Drive
Marienville, PA 16239

Respectfully submitted,

VICTIMS' RECOVERY LAW CENTER

/s/ Keith West

KEITH WEST, ESQUIRE
Attorney for the Plaintiffs